

Conference Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 295

HOUSE BILL 2439

AN ACT

AMENDING TITLE 26, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4;
RELATING TO CRITICAL INFRASTRUCTURE INFORMATION SYSTEM; PROVIDING FOR
CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 26, chapter 2, Arizona Revised Statutes, is amended
3 by adding article 4, to read:

4 ARTICLE 4. CRITICAL INFRASTRUCTURE INFORMATION SYSTEM

5 26-371. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CRITICAL INFRASTRUCTURE" MEANS SYSTEM AND ASSETS, WHETHER PHYSICAL
8 OR VIRTUAL, THAT ARE SO VITAL TO THIS STATE AND THE UNITED STATES THAT THE
9 INCAPACITY OR DESTRUCTION OF THOSE SYSTEMS AND ASSETS WOULD HAVE A
10 DEBILITATING IMPACT ON SECURITY, ECONOMIC SECURITY, PUBLIC HEALTH OR SAFETY.

11 2. "CRITICAL INFRASTRUCTURE INFORMATION" INCLUDES SITE SPECIFIC
12 INFORMATION SUCH AS FLOOR AND FACILITY PLANS, FIRE PROTECTION INFORMATION,
13 TACTICAL AND DISASTER PREPLANS, EVACUATION PLANS, UTILITY INFORMATION, KNOWN
14 HAZARDS, IMAGES OF THE VENUE AND FACILITY PERSONNEL CONTACT INFORMATION,
15 SINGLE POINT FAILURE ANALYSIS, SURVEILLANCE AND DETECTION SYSTEMS AND SERVICE
16 DELIVERY SYSTEMS AND PROCESSES.

17 3. "CRITICAL INFRASTRUCTURE INFORMATION SYSTEM" MEANS A PROGRAM THAT
18 USES ADVANCED TECHNOLOGIES TO PROVIDE PERSONNEL WHO ARE INVOLVED IN HOMELAND
19 SECURITY PLANNING AND OPERATIONS WITH REAL TIME INFORMATION REGARDING
20 CRITICAL INFRASTRUCTURE WITHIN THIS STATE AND CRITICAL INFRASTRUCTURE LOCATED
21 OUTSIDE OF THIS STATE THAT MAY AFFECT THE SAFETY AND WELL-BEING OF CITIZENS
22 OF THIS STATE.

23 26-372. Department of public safety; critical infrastructure
24 information program

25 A. THE DEPARTMENT OF PUBLIC SAFETY SHALL COORDINATE A PROGRAM THAT
26 USES STATE OF THE ART TECHNOLOGIES AND THAT IS IMPLEMENTED BASED ON THE
27 STATEWIDE ASSESSMENT OF THREAT AND VULNERABILITY BY THE ARIZONA
28 COUNTERTERRORISM INFORMATION CENTER UNDER THE OVERSIGHT OF THE DEPARTMENT OF
29 PUBLIC SAFETY.

30 B. THE DEPARTMENT OF PUBLIC SAFETY SHALL IMPLEMENT THE TECHNOLOGIES TO
31 ADDRESS AS MANY CRITICAL INFRASTRUCTURE FACILITIES IN THIS STATE AS FUNDING
32 ALLOWS AND SHALL ONLY IMPLEMENT THE TECHNOLOGY IF AGREEMENTS ACCEPTING THE
33 PROGRAM ARE REACHED BETWEEN PARTICIPATING ENTITIES, INCLUDING PRIVATE SECTOR
34 PARTICIPANTS.

35 C. THE DEPARTMENT OF PUBLIC SAFETY SHALL PURSUE FEDERAL MONIES TO
36 ASSIST WITH FUNDING THE PROGRAM.

37 26-373. Statewide critical infrastructure information system;
38 disclosure

39 A. THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH AND OPERATE A
40 STATEWIDE CRITICAL INFRASTRUCTURE INFORMATION SYSTEM.

41 B. WHEN THE DEPARTMENT OF PUBLIC SAFETY DECLARES THROUGH WRITTEN
42 NOTICE TO ALL STATE AGENCIES AND LOCAL GOVERNMENTS THAT THE STATEWIDE
43 CRITICAL INFRASTRUCTURE INFORMATION SYSTEM IS OPERATIONAL, ALL STATE AGENCIES
44 AND LOCAL GOVERNMENTS SHALL ONLY USE THE STATEWIDE CRITICAL INFRASTRUCTURE
45 INFORMATION SYSTEM AND SHALL NOT OPERATE INDEPENDENT CRITICAL INFRASTRUCTURE

1 INFORMATION SYSTEMS. STATE AGENCIES AND LOCAL GOVERNMENTS ARE NOT REQUIRED
2 TO USE THE STATEWIDE SYSTEM IF THEY ARE OPERATING OR DEVELOPING A CRITICAL
3 INFRASTRUCTURE INFORMATION SYSTEM BEFORE THE DEPARTMENT OF PUBLIC SAFETY
4 DECLARES THAT THE STATEWIDE CRITICAL INFRASTRUCTURE INFORMATION SYSTEM IS
5 OPERATIONAL. STATE AGENCIES AND LOCAL GOVERNMENTS SHALL MAKE EFFORTS TO
6 ENSURE THAT THE STATEWIDE SYSTEM IS INTEROPERABLE WITH OTHER CRITICAL
7 INFRASTRUCTURE INFORMATION SYSTEMS ALLOWED BY LAW.

8 C. ALL STATE AND LOCAL GOVERNMENT-OWNED CRITICAL INFRASTRUCTURE
9 FACILITIES THAT ARE OCCUPIED BY STATE OR LOCAL GOVERNMENT EMPLOYEES SHALL BE
10 ADDED TO THE STATEWIDE CRITICAL INFRASTRUCTURE INFORMATION SYSTEM WHEN
11 FUNDING IS AVAILABLE. NOTHING IN THIS ARTICLE REQUIRES ANY STATE AGENCY OR
12 LOCAL GOVERNMENT TO ADD A CRITICAL INFRASTRUCTURE FACILITY TO THE SYSTEM
13 UNLESS THE ENTIRE COST OF ADDING THE FACILITY IS PROVIDED BY AVAILABLE
14 FEDERAL MONIES.

15 D. ALL FEDERAL AND PRIVATELY OWNED CRITICAL INFRASTRUCTURE FACILITIES
16 MAY VOLUNTARILY PARTICIPATE IN THE STATEWIDE CRITICAL INFRASTRUCTURE
17 INFORMATION SYSTEM AT THEIR OWN COST. TRIBAL PARTICIPATION SHALL BE
18 SUPPORTED WITH FEDERAL MONIES PROVIDED DIRECTLY OR BY THIS STATE UNDER
19 PROCEDURES ESTABLISHED FOR GRANT ALLOCATIONS BY THE OFFICE OF THE GOVERNOR.

20 E. CONSISTENT WITH THE GUIDELINES DEVELOPED UNDER SECTION 26-374, THE
21 DEPARTMENT OF PUBLIC SAFETY SHALL MAKE CRITICAL INFRASTRUCTURE INFORMATION
22 AVAILABLE, CONSISTENT WITH INFORMATION PROTECTION PROCEDURES, TO ALL STATE,
23 LOCAL, FEDERAL AND TRIBAL LAW ENFORCEMENT AGENCIES, THE DEPARTMENT OF
24 EMERGENCY AND MILITARY AFFAIRS, PUBLIC HEALTH ORGANIZATIONS, THE DEPARTMENT
25 OF AGRICULTURE, THE DEPARTMENT OF HEALTH SERVICES, FIRE DEPARTMENTS AND OTHER
26 ORGANIZATIONS AS NECESSARY TO SAFEGUARD PERSONNEL AND PROPERTY IN THIS STATE.

27 F. THE DEPARTMENT OF PUBLIC SAFETY SHALL PURSUE FEDERAL MONIES FOR ALL
28 STATE AND LOCAL CRITICAL INFRASTRUCTURE FACILITIES TO BE ADDED TO THE SYSTEM.

29 G. ALL CRITICAL INFRASTRUCTURE INFORMATION PROVIDED TO THE DEPARTMENT
30 OF PUBLIC SAFETY IS EXEMPT FROM PUBLIC DISCLOSURE.

31 26-374. Guidelines committee; duties

32 A. THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE
33 DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS, GOVERNMENT INFORMATION
34 TECHNOLOGY AGENCY, DEPARTMENT OF HEALTH SERVICES, DEPARTMENT OF AGRICULTURE,
35 ARIZONA RADIATION REGULATORY AGENCY, DEPARTMENT OF ENVIRONMENTAL QUALITY,
36 STATE DEPARTMENT OF CORRECTIONS, ARIZONA FIRE CHIEFS' ASSOCIATION, ARIZONA
37 POLICE CHIEFS' ASSOCIATION, ARIZONA SHERIFFS' ASSOCIATIONS, ARIZONA
38 ASSOCIATION OF COUNTIES, ARIZONA LEAGUE OF CITIES AND TOWNS AND
39 REPRESENTATIVES FROM EVERY INDIAN TRIBAL NATION, SHALL CONVENE A CONSULTING
40 COMMITTEE TO ESTABLISH GUIDELINES RELATED TO THE CRITICAL INFRASTRUCTURE
41 INFORMATION SYSTEM.

42 B. THE COMMITTEE SHALL:

43 1. DEVELOP THE TYPE OF INFORMATION TO BE INCLUDED IN THE CRITICAL
44 INFRASTRUCTURE INFORMATION SYSTEM.

1 2. DEVELOP CRITICAL INFRASTRUCTURE INFORMATION TECHNOLOGY STANDARDS TO
2 BE USED BY ALL ENTITIES PARTICIPATING IN THE STATEWIDE CRITICAL
3 INFRASTRUCTURE INFORMATION SYSTEM.

4 3. DETERMINE THE ORDER IN WHICH CRITICAL INFRASTRUCTURE SHALL BE ADDED
5 TO THE SYSTEM WHEN FUNDING IS RECEIVED.

6 4. DEVELOP GUIDELINES ON HOW THE INFORMATION SHALL BE MADE
7 AVAILABLE. THESE GUIDELINES SHALL INCLUDE DETAILED PROCEDURES AND SECURITY
8 MEASURES TO ENSURE THAT THE INFORMATION IS ONLY MADE AVAILABLE TO THE
9 GOVERNMENT OR A PRIVATE ENTITY THAT EITHER OWNS THE CRITICAL INFRASTRUCTURE
10 OR IS RESPONDING TO AN INCIDENT INVOLVING THE CRITICAL INFRASTRUCTURE.

11 Sec. 2. Conditional enactment; notice

12 A. This act does not become effective unless on or before December 31,
13 2006 the department of public safety receives direct federal funding
14 earmarked to establish the critical infrastructure information system.

15 B. The department of public safety shall notify in writing the
16 director of the Arizona legislative council of the date on which the
17 condition is met or if the condition is not met.

APPROVED BY THE GOVERNOR MAY 20, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.

Passed the House March 7, 2005


Passed the Senate April 18, 2005


by the following vote: 49 Ayes,

by the following vote: 18 Ayes,

5 Nays, 6 Not Voting

11 Nays, 1 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.


Secretary of State


H.B. 2439

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 3, 20 05,
by the following vote: 54 Ayes,

2 Nays, 4 Not Voting

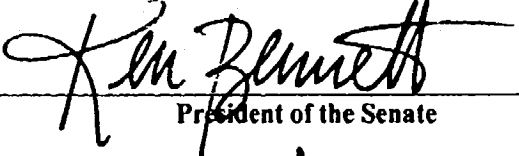

Speaker of the House
Pro Tempore


Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 9, 20 05,
by the following vote: 17 Ayes,

11 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 10th day of May, 20 05

at 2:53 o'clock P. M.


Secretary to the Governor

Approved this 20 day of

May, 20 05,
at 9:20 o'clock A. M.

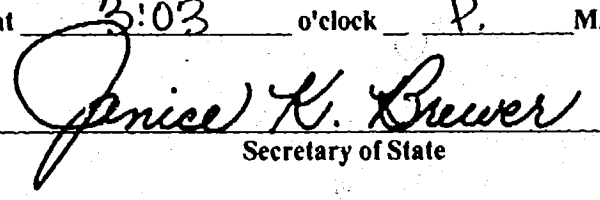

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 20 05,

at 3:03 o'clock P. M.


Secretary of State

H.B. 2439